

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01374-CKK**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL
RESPONSIBILITY v. UNITED STATES DEPARTMENT OF
AGRICULTURE

Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 07/13/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC EMPLOYEES FOR
ENVIRONMENTAL
RESPONSIBILITY**

represented by **Paula Naomi Dinerstein**
PUBLIC EMPLOYEES FOR
ENVIRONMENTAL RESPONSIBILITY
962 Wayne Avenue
Suite 610
Silver Spring, MD 20910
(202) 265-7337
Fax: (202) 265-4192
Email: pdinerstein@peer.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
AGRICULTURE**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
TERMINATED: 08/07/2019

Date Filed	#	Docket Text
07/13/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF AGRICULTURE (Filing fee \$ 400 receipt number 0090-5030288) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Summons DOJ, # <u>2</u> Summons Attorney General, # <u>3</u> Summons USDA, # <u>4</u> Civil Cover Sheet, # <u>5</u> Supplement)(Dinerstein, Paula) (Entered: 07/13/2017)
07/13/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 07/14/2017)
07/14/2017	<u>2</u>	SUMMONS (2) Issued Electronically as to UNITED STATES DEPARTMENT OF AGRICULTURE and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(sth) (Entered: 07/14/2017)
07/14/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY.(Dinerstein, Paula) (Entered: 07/14/2017)

07/18/2017	<u>4</u>	SUMMONS (1) Issued Electronically as to U.S. Attorney (jf) Modified party served on 7/19/2017 (znmw). (Entered: 07/18/2017)
07/20/2017	<u>5</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 7/20/17.(DM) (Entered: 07/20/2017)
07/25/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 8/23/2017. (Dinerstein, Paula) (Entered: 07/25/2017)
07/25/2017	7	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/24/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 7/21/2017. (See Docket Entry <u>6</u> to view document). (znmw) (Entered: 07/26/2017)
08/22/2017	<u>8</u>	NOTICE of Appearance by Melanie Dyani Hendry on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) (Entered: 08/22/2017)
08/22/2017	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE.(Hendry, Melanie) (Entered: 08/22/2017)
08/28/2017	<u>10</u>	ORDER. The parties shall file the schedule not later than OCTOBER 2, 2017. Signed by Judge Colleen Kollar-Kotelly on 8/28/2017. (lcckk1) (Entered: 08/28/2017)
08/28/2017		Set/Reset Deadlines: Joint Meet & Confer Statement due by 10/2/2017. (dot) (Entered: 09/01/2017)
09/28/2017	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 09/28/2017)
10/05/2017		MINUTE ORDER: The Court has received the parties' <u>11</u> Joint Proposed Schedule and Status Report. In light of the parties' representation that they are engaged in discussions that may narrow the scope of Plaintiff's FOIA request, the parties shall file a further Joint Status Report on NOVEMBER 2, 2017, updating the Court on their progress, and indicating how they intend to proceed. Signed by Judge Colleen Kollar-Kotelly on 10/5/2017. (lcckk1) (Entered: 10/05/2017)
10/05/2017		Set/Reset Deadlines: Joint Status Report due by 11/2/2017. (dot) (Entered: 10/05/2017)
10/31/2017	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 10/31/2017)
11/17/2017		MINUTE ORDER: The Court has received the parties' <u>12</u> Joint Proposed Schedule and Status Report. In light of the parties' representation that they conferred and agreed to narrow the scope of the FOIA request, and Defendant's representation that the agency has experienced staffing and technical issues with respect to processing documents within the remaining scope, the parties shall file a further Joint Status Report on or before FEBRUARY 1, 2018 , updating the Court on their progress, and indicating how they intend to proceed. Signed by Judge Colleen Kollar-Kotelly on November 17, 2017. (lcckk1) (Entered: 11/17/2017)
11/17/2017		Set/Reset Deadlines: Joint Status Report due by 2/1/2018. (dot) (Entered: 11/22/2017)
02/01/2018	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 02/01/2018)
02/02/2018		MINUTE ORDER: The Court has received the parties' <u>13</u> Joint Proposed Schedule and Status Report. The parties represent that Defendant's search for and processing of records response to Plaintiff's FOIA request is ongoing. Defendant has made rolling productions to Plaintiff since the parties' last Status Report, and will continue to make rolling productions each month going forward. Accordingly, the parties shall file a further Joint Status Report on or before APRIL 2, 2018, updating the Court on their progress, and indicating how they intend to proceed. Signed by Judge Colleen Kollar-Kotelly on 2/2/2018. (lcckk3) (Entered: 02/02/2018)

02/02/2018		Set/Reset Deadlines: Joint Status Report due by 4/2/2018. (dot) (Entered: 02/05/2018)
04/02/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 04/02/2018)
04/13/2018		MINUTE ORDER: The Court has received the parties' <u>14</u> Joint Status Report. Defendant has made rolling productions to Plaintiff since the parties' <u>13</u> Joint Proposed Schedule and Status Report, and will continue to make rolling productions each month going forward. Accordingly, the parties shall file a further Joint Status Report on or before JUNE 15, 2018 , updating the Court on their progress, and indicating how they intend to proceed. Signed by Judge Colleen Kollar-Kotelly on April 13, 2018. (lcckk1) (Entered: 04/13/2018)
04/13/2018		Set/Reset Deadlines: Joint Status Report due by 6/15/2018. (dot) (Entered: 04/13/2018)
06/14/2018	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 06/14/2018)
07/09/2018		MINUTE ORDER: The Court has received the parties' <u>15</u> Joint Status Report. Defendant has continued processing records and indicates that it will make rolling productions each month going forward. Accordingly, the parties shall file a further Joint Status Report on or before SEPTEMBER 14, 2018 , updating the Court on their progress, and indicating how they intend to proceed. As part of this update, the Joint Status Report shall specify the total number of pages that Defendant has released to date, as well as the total number of pages released since the parties' last <u>15</u> Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on July 9, 2018. (lcckk1) (Entered: 07/09/2018)
07/09/2018		Set/Reset Deadlines: Joint Status Report due by 9/14/2018. (dot) (Entered: 07/11/2018)
09/13/2018	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 09/13/2018)
09/17/2018		MINUTE ORDER: The Court has received the parties' <u>16</u> Joint Status Report. Defendant has continued processing records and indicates that it will make rolling productions each month going forward. Accordingly, the parties shall file a further Joint Status Report on or before NOVEMBER 14, 2018 , updating the Court on their progress, and indicating how they intend to proceed. As part of this update, the Joint Status Report shall specify the total number of pages that Defendant has released to date, as well as the total number of pages released since the parties' last <u>16</u> Joint Status Report. The parties shall continue to file Joint Status Reports every 60 days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on September 17, 2018. (lcckk1) (Entered: 09/17/2018)
09/17/2018		Set/Reset Deadlines: Joint Status Report due by 11/14/2018, updating the Court on their progress, and indicating how they intend to proceed. (dot) (Entered: 09/19/2018)
11/14/2018	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 11/14/2018)
11/15/2018		MINUTE ORDER: The Court has received the parties' <u>17</u> Joint Status Report. Defendant has continued processing records and indicates that it will make rolling productions each month going forward. In light of the parties' request for a one-time variance in the Court's instructions regarding ongoing future Joint Status Reports, the Court shall permit the parties to file their next Joint Status Report by JANUARY 28, 2019 . Otherwise, the Court does not alter its instructions in its Minute Order of September 17, 2018, regarding the content and timing of Joint Status Reports. Signed by Judge Colleen Kollar-Kotelly on November 15, 2018. (lcckk1) (Entered: 11/15/2018)
11/15/2018		Set/Reset Deadlines: Joint Status Report due by 1/28/2019. (dot) (Entered: 12/06/2018)
01/31/2019		MINUTE ORDER: The Court has not received the parties' Joint Status Report due by January 28, 2019. They shall submit this Joint Status Report by FEBRUARY 4, 2019 . Signed by Judge Colleen Kollar-Kotelly on January 31, 2019. (lcckk1) (Entered: 01/31/2019)

		01/31/2019)
01/31/2019		Set/Reset Deadlines: Joint Status Report due by 2/4/2019. (dot) (Entered: 02/01/2019)
02/12/2019	<u>18</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Joint Status Report)(Hendry, Melanie) (Entered: 02/12/2019)
02/13/2019		MINUTE ORDER: The Court has received the parties' <u>18</u> Joint Motion for <i>Nunc Pro Tunc</i> Extension of Time. The parties discuss the reasons for their failure to comply with the Court's initial or revised deadlines for their Joint Status Report. <i>See</i> Min. Order of Nov. 15, 2018; Min. Order of Jan. 31, 2019. Based on their showing of excusable neglect, the Court shall GRANT the parties' <u>18</u> Joint Motion. <i>See</i> Fed. R. Civ. P. 6(b)(1)(B). The Court shall extend the parties' deadline <i>nunc pro tunc</i> until February 12, 2019, the date on which they filed their [18-1] Joint Status Report. Accordingly, the Court shall consider the parties' [18-1] Joint Status Report on the merits. Defendant has continued processing records and indicates that it will make rolling productions each month going forward. Accordingly, the parties shall file a further Joint Status Report on or before APRIL 15, 2019 , updating the Court on their progress, and indicating how they intend to proceed. As part of this update, the Joint Status Report shall specify the total number of pages that Defendant has released to date, as well as the total number of pages released since the parties' last [18-1] Joint Status Report. The parties shall continue to file Joint Status Reports every 60 days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on February 13, 2019. (lcckk1) (Entered: 02/13/2019)
02/13/2019		Set/Reset Deadlines: Joint Status Report due by 4/15/2019, updating the Court on their progress, and indicating how they intend to proceed. (dot) (Entered: 02/13/2019)
04/15/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 04/15/2019)
04/17/2019		MINUTE ORDER: The Court has received the parties' <u>19</u> Joint Status Report. Defendant has continued processing records and indicates that it will make rolling productions each month going forward. The parties request a variance in the deadline for their next Joint Status Report, which the Court shall permit, for good cause shown. Accordingly, the parties shall file a further Joint Status Report on or before JUNE 21, 2019 , updating the Court on their progress, and indicating how they intend to proceed. As part of this update, the Joint Status Report shall specify the total number of pages that Defendant has released to date, as well as the total number of pages released since the parties' last <u>19</u> Joint Status Report. The parties shall continue to file Joint Status Reports every 60 days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on April 17, 2019. (lcckk1) (Entered: 04/17/2019)
04/17/2019		Set/Reset Deadlines: Joint Status Report due by 6/21/2019, updating the Court on their progress, and indicating how they intend to proceed. (dot) (Entered: 04/18/2019)
06/17/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 06/17/2019)
08/07/2019	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/16/2019	<u>22</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 08/16/2019)
11/07/2019		MINUTE ORDER: The Court has received the parties' August 16, 2019 <u>22</u> Joint Status Report, in which the parties indicated that they would file a further joint status report with this Court on or before October 20, 2019 pursuant to this Courts April 17, 2019 Minute Order. However, as of November 7, 2019, the Court has not yet received a further status report from the parties. The parties shall file a joint status report updating the Court on their progress and indicating how they intend to proceed by NOVEMBER 21, 2019 and every 60 days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on November 7, 2019. (lcckk1) (Entered: 11/07/2019)

11/07/2019		Set/Reset Deadlines: Joint Status Report due by 11/21/2019, updating the Court on their progress and indicating how they intend to proceed. (dot) (Entered: 11/08/2019)
11/21/2019	<u>23</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 11/21/2019)